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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,446	05/06/2004	In-Shuen Lee	LITP0024USA	3445
27765	7590	01/23/2006	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			KAYRISH, MATTHEW	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/709,446	LEE ET AL.	
	Examiner	Art Unit	
	Matthew G. Kayrish	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 20-28 is/are rejected.
- 7) ☒ Claim(s) 9-19 and 29-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 20-27 are rejected under 35 U.S.C. 102(b) as being unpatentable over Tanaka (US Patent Number 4799122).
3. Regarding claim 1, 20 and 21, Tanaka et al disclose:

A disc braking device utilized in an optical disc drive, the disc braking device comprising:

A structure portion (figure 1, item 10);

A braking rod installed on the structure portion (figure 1, item 24); and

A braking component installed on the braking rod and utilized for making a disc stop rotating (figure 4, item 52).

4. Regarding claim 2 and 22, Tanaka et al disclose:

The disc braking device of claim 1, further comprising:

An elastic component installed on the structure portion, wherein one end of the elastic component hooks the braking rod (figure 3, item 40 & 42).

5. Regarding claim 3 and 23, Tanaka et al disclose:

The disc braking device of claim 2, wherein the elastic component is a spring made of metal or plastic materials (column 5, lines 44-45).

6. Regarding claim 4 and 24, Tanaka et al disclose:

The disc braking device of claim 2, wherein the braking rod comprises a positioning hook (figure 3, item 40) and one end of the elastic component hooks the positioning hook of the braking rod (figure 3, item 40).

7. Regarding claim 5 and 25, Tanaka et al disclose:

The disc braking device of claim 2, further comprising a raising part installed on a lateral side of a bottom cover of the optical disc drive (figure 4, item 62).

8. Regarding claim 6 and 26, Tanaka et al disclose:

The disc braking device of claim 2, wherein when the disc is being ejected from the optical disc drive, the braking rod drives the braking component to touch the rim of the disc (column 6, lines 46-47 & lines 60-64).

9. Regarding claim 7 and 27, Tanaka et al disclose:

The disc braking device of claim 2, wherein the structure portion further comprises at least one positioning pin utilized for positioning and installing the braking rod and the elastic component (figure 6, item 48).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of Akiba (US Patent Number 5883870).

12. Regarding claim 8 and 28, Tanaka fails to disclose:

The disc braking device of claim 1, wherein the braking component is made of sponge.

Akiba et al disclose:

The disc braking device of claim 1, wherein the braking component is made of sponge (column 4, lines 45-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use sponges for braking materials since sponges are soft and would not scratch the disc.

Claim Objections

13. Claims 9-19 and 29-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.
16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

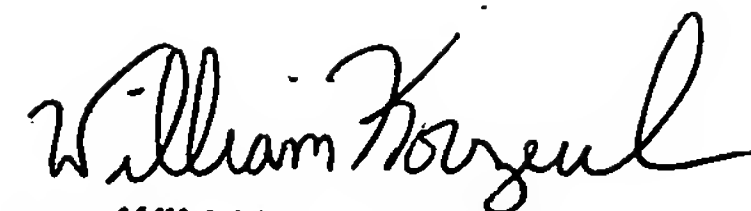
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12-28-05


MK


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600